

REMARKS

Claims 1-30, 32 and 34-37 are currently pending. Support for the amendment to claim 1 may be found in the specification as originally filed, for example, in claims 33 and 34. Claim 34 is cancelled. Claim 37 is newly added. Support for new claim 37 may be found in the specification as originally filed, for example, at page 14, line 25 to page 15, line 14.

I. The Objection of Claim 1

The Examiner objects to claim 1 as allegedly containing “informalities.” Specifically, the Examiner states the language “. . . in the backbone. . .” does not have any definition and alleges that claim 1 should have the definition to describe the backbone.

Applicants respectfully submit that the present claims are clear and definite as written and that they particularly point out and distinctly claim the subject matter which Applicants regard as the invention. A “backbone” of a polymer is a well known term in the art with a definite meaning. See for example, column 8, lines 3-6 of Yu et al (2004/0051831) cited by the Examiner. See also the attached definition from the website “<http://cancerweb.ncl.ac.uk/omd/index.html>”.

For the above reasons, it is respectfully submitted that Applicants’ claims are clear and definite and understood by one skilled in the art it is requested that the objection to the claims be reconsidered and withdrawn.

II. The Rejections Based on Winder et al, Johnson et al, Sharp et al and Yu et al

Claims 1-2, 5-6, 8, 12-13, 17, 20-27, 29, 35 and 36 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Winder et al (US 5,504,603) in view of Johnson et al (US2004/0184150 A1) further in view of Sharp et al (US 5,929,946) and Yu et al (US 2004/0051831 A1).

Applicants note that the Examiner's position concerning Yu et al was traversed and that a 132 Declaration was previously submitted. The Examiner responded in the Advisory Action that the claim "is broad" as it does not describe the specific polymer materials.

Applicants respectfully submit that the instant claims are allowable for the reasons as set forth in the Amendment accompanying the RCE filed April 12, 2007. However, to facilitate prosecution, Applicants have amended claim 1 to recite the one or more Z layers comprises a polymer selected seven types of polymers and copolymers thereof.

It is respectfully submitted that the cited art does not teach or disclose a multilayer optical compensation film as claimed.

As for any issues related to the original election of species, claim 31 was elected. The Examiner appeared to consider the compounds of 33 and 34 to be a different species. However, claim 31 is a generic claim to species claims 33 and 34.

Claim 1 was amended to include the subject matter of claim 31, wherein one or more Z layers comprises a polymer containing in the backbone a vinyl, carbonyl, amide, imide, ester, aromatic, sulfone, or azo group. The polymer compounds claimed are species within the scope of a polymer containing in the backbone a vinyl, carbonyl, amide, imide, ester, aromatic, sulfone, or azo group and should be considered species within the elected genus of claim 31.

Applicants' also respectfully traverse the Examiner's "official notice" type position that Applicants' statement such material for the polymers *usually* contain ... is an admission that such polymers would be conventional. The Examiner is requested to provide a reference for support for his opinion.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-30, 32 and 34-37 is neither taught by nor made obvious from the disclosures of Winker et al in view of Johnson et al further in view of Sharp et al and Yu et al and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objection to the claims and the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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backbone

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<[anatomy](#)> The [spinal column](#), found in [vertebrate animals](#), which [runs](#) along the [dorsal side](#) and contains the central [nerve cord](#) ([spinal cord](#)).

The [main structural](#) feature of a [polymer](#) ([chain-like](#)) [molecule](#) from which [many side](#) chains [branch](#) off.

(09 Oct 1997)

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